

FILED
CLERKS OFFICE
**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

2004 JUN 17 P 4:19

U.S. DISTRICT COURT
DISTRICT OF MASS.

PAUL J. McNALLY, as he is TRUSTEE,
MASSACHUSETTS LABORERS' HEALTH AND
WELFARE FUND and NEW ENGLAND LABORERS'
TRAINING TRUST FUND; JAMES MERLONI, JR.,
as he is TRUSTEE, MASSACHUSETTS LABORERS'
PENSION FUND and MASSACHUSETTS LEGAL
SERVICES FUND; MARTIN F. WALSH, as he is
TRUSTEE, MASSACHUSETTS LABORERS'
ANNUITY FUND,

Plaintiffs

vs.

LITTLETON ENVIRONMENTAL SERVICES, INC.,
Defendant

and

J.T. CALLAHAN & SONS, INC.,
Reach-and-Apply Defendant

and

FLEET BANK,
Trustee

C.A. No. 03-12461 NG

**AFFIDAVIT OF THOMAS MASIELLO AS TO
MILITARY SERVICE, INFANCY AND INCOMPETENCE**

1. My name is Thomas Masiello. I am the Administrator of the Massachusetts Laborers' Benefit Health and Welfare Fund.
2. I make this affidavit pursuant to the provisions of the Soldiers' and Sailors' Civil Relief Act.

3. I have caused careful investigation to be made to ascertain whether Littleton Environmental Services, Inc., the above-named defendant, is within the military service of the United States, and have concluded on the basis of such investigation that it is not.

4. I have also caused careful investigation to be made to ascertain whether Littleton Environmental Services, Inc. is an infant or incompetent person, and have concluded on the basis of such investigation that it is not.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 14 DAY OF JUNE, 2004.


Thomas Masiello

CERTIFICATE OF SERVICE

This is to certify that a copy of the above Affidavit has been served by certified and first class mail upon the defendant, Littleton Environmental Services, Inc. at P.O. Box #397, Littleton, MA 01460 and by first class mail upon the Reach-and-Apply Defendant's attorney, Scott A. Aftuck at Rubin & Rudman LLP, 50 Rowes Wharf, Boston, MA 02110 this 17 day of June, 2004.


Gregory A. Geiman, Esquire